

December 23, 2005

To: School Administrators, Special Education Directors

From: Department of Education Staff

Re: Transportation costs for special education students

Recently, there have been a number of questions about transportation as a related service and transportation costs for out of district placements. Initially, it is important to note that not all children that are entitled to special education services are also automatically entitled to transportation as a related service. Whether transportation services are provided is a determination made on a case by case basis by the IEP team. If the IEP team determines that transportation is required for a particular child, then the costs associated with transportation for that child are the costs that are incurred. That is, if the child needs transportation as a related service, then the costs associated with that transportation are the responsibility of the resident district and cannot be imposed on the parent. For example, if the IEP team determines that a child must be transported to and from school by taxi because of the particular needs of that individual child and the costs for that transportation are \$2500 then the district is responsible for the cost. Transportation in that case would be part of the child's IEP as determined by the IEP team and education services including transportation if required are the responsibility of the local resident district. SDCL 13-37-8.4. If, however, a parent requests that the child be transported by taxi but the child does not need that type of transportation as determined by the IEP team, then the school district is not responsible for the added cost.

The other issue that frequently arises is what is the responsibility of the resident district when the child is placed out of district. SDCL 13-37-8.9 does provide some guidance for local districts to follow. If the IEP team determines that the child needs to be transported to the home from the out of district placement to maintain family bonding, then the costs associated with that are part of the child's IEP and thus, the costs are the responsibility of the resident district. Similarly, if the child is placed out of the district and it is not practical to transport the child, the IEP team may determine that the parents need to be transported to the child rather than the child to the parent and the costs associated with this procedure are the responsibility of the district. There is no hard and fast rule on how

often the transportation for an out of district child occurs. This may occur weekly, once a semester, once a year depending on the child's individual needs as determined by the IEP team. It will depend on the age of the child, the type of disability and the recommendations from the out of district placement among other things. Again, this is a decision by the IEP team on whether transportation to the child is required and how often. The \$1950 amount listed in SDCL 13-37-8.9 is a guideline but may be increased if necessary to meet the needs of the child as determined by the IEP team. Parents are a part of that IEP team.

In summary, when making decisions regarding the transportation of special education students, it is important to remember that all decisions are made by the IEP team considering the particular needs of that individual child. Parents are a part of that IEP team. The school board, business manager and school attorney are not part of the IEP team. The costs are not deciding factor for an IEP, the deciding factor is the particular needs of the individual child.

If you have additional questions or concerns, you may contact your school attorney or the Special Education Programs office.